

12-2-B. Administrative Enforcement: Agency Representation in Hearing and Signing of Consent Agreements (1200 TN 350 12-2-B)**1. AUTHORITY.**

- a. To represent EPA in civil penalty adjudications conducted under the Toxic Substances Control Act (TSCA) and 5 U.S.C. Section 554;
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and
- c. To initiate an appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a. and 1.c. are delegated to the Regional Counsel.
- b. The authority in 1.b. is delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); and the Chief, Air, RCRA and Toxics Branch, ECAD.

3. LIMITATIONS.

- a. These authorities may only be exercised after the alleged violator either files an answer or fails to file answer within the specified time period.
- b. Only the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) may exercise the authority to initiate appeals.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. ADDITIONAL REFERENCES.

- a. Section 16 of TSCA.
- b. The Agency official who signs the complaint should sign the settlement agreement.
- c. The AA/OECA must consult with the Regional Administrator or designee and the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) or designee prior to initiating an appeal.

6. SUPERSESSION. Delegations Manual, TSCA, Regional Delegation 12-2-B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements, 1200 TN RIII 149 (February 27, 2003).

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Cosmo Servidio
Regional Administrator